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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

RODOLFO LEOS-MALDONADO,)
Petitioner,) Civil Case No. 07-151-HU
vs.) ORDER
MARK NOOTH,)
Respondent.)

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KING, Judge:

The Honorable Dennis J. Hubel, United States Magistrate Judge, filed Findings and Recommendation on January 21, 2009. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Petitioner has filed objections and defendant has filed a response.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Judge Hubel's Findings and Recommendation (#33). IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (#2) is denied and this action is dismissed with prejudice.

Dated this 23 day of February, 2009.



Garr M. King
United States District Judge